

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE APRIL 1, 2009

SENATE BILL

No. 788

Introduced by Senators Wyland and Steinberg

February 27, 2009

~~An act to amend Sections 728, 805, and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, relating to professional clinical counselors. An act to add Chapter 16 (commencing with Section 4999.10) to Division 2 of the Business and Professions Code, relating to mental health professionals.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Wyland. ~~Licensed professional clinical counselors.~~ *Mental health professionals.*

~~(1) Existing~~

Existing law provides for the licensure and regulation of marriage and family therapists, educational psychologists, and clinical social workers by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Under existing law, the board consists of 11 members.

This bill would prohibit a person from holding himself or herself out to the public by any title or description of mental health services not authorized by law or licensed by that board, except as specified.

~~This bill would provide for the licensure, registration, and regulation of licensed professional clinical counselors and interns by the board and would add 4 additional members to the board, to be appointed by the Governor, as specified. The bill would enact various provisions~~

~~concerning the practice of licensed professional clinical counselors, interns, and counselor trainees, including, but not limited to, practice requirements, and enforcement specifications. The bill would authorize the board to begin accepting applications for intern registration on January 1, 2011, and for professional clinical counselor licensure on January 1, 2012, but would authorize the board to issue licenses to individuals meeting certain criteria who apply between January 1, 2011, and June 30, 2011. The bill would authorize the board to impose specified fees on licensed professional clinical counselors and interns which would be deposited in the Behavioral Sciences Fund to carry out the provisions of the bill. The bill would require that the startup costs of the program be funded by a loan from the Behavioral Sciences Fund, upon appropriation by the Legislature. The bill would provide that a violation of its provisions is a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature hereby finds and declares all of*
- 2 *the following:*
- 3 *(a) There is a growing need in this state for additional mental*
- 4 *health professionals to provide counseling and other mental health*
- 5 *services to California's citizens in a variety of settings.*
- 6 *(b) That need continues to grow due to economic conditions*
- 7 *and the need to provide counseling services resulting from natural*
- 8 *disasters, and services to California's veterans.*
- 9 *(c) There exists in the state a substantial number of mental*
- 10 *health professionals who possess appropriate master's degree*
- 11 *education, training, and experience to fulfill the need but who*
- 12 *cannot avail themselves of licensure under the current mental*
- 13 *health professional framework for licensure existing in the state.*

(d) *The other 49 states provide, in varying ways, the opportunity for professional counselors with appropriate education and training to be licensed and to fulfill the need in those states.*

(e) *Therefore, it is the intent of the Legislature to provide a pathway for professional counselors in this state who possess appropriate education and training similar to other licensed mental health professionals to be licensed and to begin serving the substantial need for mental health services in California.*

SEC. 2. *Chapter 16 (commencing with Section 4999.10) is added to Division 2 of the Business and Professions Code, to read:*

CHAPTER 16. MENTAL HEALTH PROFESSIONALS

4999.10. (a) *No person shall hold himself or herself out to the public by any title or description of mental health services not authorized by law or licensed by the Board of Behavioral Sciences.*

(b) *Nothing in this section shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Clinical Social Worker Practice Act, the Nursing Practice Act, the Psychology Licensing Law, or the Marriage and Family Therapy licensing laws.*

(c) *This section shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs mental health services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in this state, or who is licensed to practice medicine, who provides counseling services as part of his or her professional practice.*

(d) *This section shall not apply to an employee of a governmental entity or of a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, or organization by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, April 1, 2009 (JR11)**

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